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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

DAVID L WIGGINS, JR.,

Plaintiff,

vs.

KILOLO KAJIKAZI,  
Acting Commissioner of Social Security,

Defendant

No. 2:20-cv-0983 DB

**STIPULATION AND ORDER FOR THE  
AWARD OF ATTORNEY FEES  
PURSUANT TO THE EQUAL ACCESS  
TO JUSTICE ACT, 28 U.S.C. § 2412(d)**

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the EAJA in the amount of EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$8,500.00). This amount represents compensation for all legal services rendered on behalf of Plaintiff, to date, by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412.

After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on whether the fees and expenses are subject to any offset allowed under

1 the United States Department of the Treasury's Offset Program. After the order for EAJA fees  
2 and expenses is entered, the government will determine whether they are subject to any offset.  
3 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury  
4 determines that Plaintiff does not owe a federal debt, then the government shall cause the  
5 payment of fees, expenses and costs to be made directly to Shellie Lott, pursuant to the  
6 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.  
7

8 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
9 attorney fees and expenses, and does not constitute an admission of liability on the part of  
10 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release  
11 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to  
12 EAJA attorney fees and expenses in connection with this action.  
13

14 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security  
15 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.  
16  
17

18 Respectfully submitted,

19 Dated: November 29, 2022

/s/ Shellie Lott

SHELLIE LOTT

Attorney for Plaintiff

PHILLIP A. TALBERT

United States Attorney

PETER K. THOMPSON

Acting Regional Chief Counsel, Region IX

24 Date: November 29, 2022

/s/ Jennifer Tarn

(As authorized via email on 11/28/22)

JENNIFER TARN

Special Assistant United States Attorney

**ORDER**

Pursuant to the stipulation of the parties, IT IS HEREBY ORDERED that attorney fees under EAJA, in the amount of EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$8,500.00), are awarded to Plaintiff, subject to the terms of the stipulation.

IT IS SO ORDERED.

DATED: November 30, 2022

/s/ DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE